

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of:)	
)	
)	
)	
)	
)	
The Creation of a Low-Power FM Broadcast Service)	MM Docket 99-25
)	
)	
)	
)	
)	
)	
)	
)	
)	

1. Background

In 1996, Congress passed a new Telecommunications Act which effectively removed the Commission's ownership caps on commercial radio broadcast stations.¹ A wave of acquisitions and station consolidations soon followed, with many stations ending up under common ownership in the same market. The resulting lack of diversity in station ownership within a market reduced diversity in programming. Prior deregulation of the broadcasting industry by the Commission removed the quotas of nonentertainment programming once required of radio stations. Many of these acquisitions were highly leveraged, with the demand for stations causing the sale price of radio stations to skyrocket. This has frozen many small businesses, community service organizations, and members of minority groups out of broadcast station ownership. In order to service the debt incurred by these acquisitions, many of these station owners

¹ There was no ownership cap on noncommercial educational radio and television broadcast stations.

have eliminated news and public affairs programming. Many of these new station conglomerates also make programming policy decisions from a central location, running bland, homogenized programming on all of their stations. Public dissatisfaction with the current state of affairs can be seen in the large number of illegal unlicensed FM stations recently closed by the Commission. Most of these illegal stations offered programming not heard on the group-owned stations that dominate most markets. Against this, the Commission is investigating the creation of a new Low-Power FM ("LPFM") service.

2. LPFM Ownership

In MM Docket 99-25, the Commission asks what, if any, limits should be placed on LPFM ownership. To maximize availability of LPFM stations and to assure fairness in the licensing of such stations, I would like to suggest the following:

1. No LPFM station shall be licensed to any existing licensee of any class of broadcast station.
2. No LPFM licensee shall own more than one (1) LPFM station.
3. The licensee of an LPFM station shall live within fifty (50) miles of the community of license of the LPFM station. This will ensure local control of such stations and it will discourage absentee ownership.
4. No LPFM station shall be licensed to any broadcast network or program syndicator.
5. No LPFM station shall be licensed to any cable television company or multiple systems operator (MSO).

3. Programming

Although the Commission is reluctant to set programming guidelines for radio broadcast stations, the following special provisions should be made regarding LPFM stations:

1. "Chain broadcasting" should be prohibited.
2. LPFM stations shall be forbidden to rebroadcast the programming of any other class of broadcast station.
3. All of the programming on an LPFM station shall be originated locally. This shall not be construed to prohibit the broadcasting of recorded music on a "disc jockey" program.

4. Availability of Frequencies and FM Translator Stations

In MM Docket 99-25, the Commission asks whether existing FM translator stations should be protected from interference from LPFM stations and what the status of FM translators should be vis-à-vis LPFM stations. FM translator stations duplicate an existing service. In addition, abuses have arisen in the case of FM translator stations licensed to noncommercial broadcasting entities, particularly religious broadcasting organizations. In these cases, a translator is fed, usually via satellite, with programming originating hundreds or thousands of miles from the community where the translator is licensed. Clearly, such practices tie up frequencies that could be used to provide local programming to such communities. I therefore propose that the Commission discontinue the licensing of FM translator stations and, furthermore, that the Commission should require existing FM translator stations to cease operation upon expiration of their current license term. Class A, B, B1, C, C1, and C2 FM broadcast stations experiencing gaps in their coverage due to terrain shielding should investigate the use of FM booster stations which retransmit the primary station's signal on the same frequency used by the primary station.

In addition, the sharing of frequencies among LPFM stations in the same market should be strongly encouraged. Many of these will be small stations that do not have the resources to provide a 24-hour, 7-day per week programming service. Sharing ensures continued use of available frequencies and a diversity of voices.

5. LPFM and IBOC Digital Radio Broadcasting

The National Association of Broadcasters and some established broadcasting companies have expressed concern that the proposed LPFM service would cause harmful interference to in-band, on-channel ("IBOC") digital radio transmissions on the current FM band. This should not even be considered for the following reasons:

1. No consumer demand or need for IBOC has ever been demonstrated.
2. The technical feasibility of IBOC is currently being tested in a real-world environment. No results have been compiled as to whether IBOC will even work in the real world. Feeding an IBOC receiver from an IBOC exciter via an attenuator is not the same as actually receiving an IBOC signal over the air in the presence of multipath and other disturbances.
3. The demand for LPFM has been strongly demonstrated by the lack of community service programming on many consolidated broadcast facilities and the upsurge in illegal, unlicensed broadcasting by members of disenfranchised communities. For example, New Jersey is sandwiched between New York and Philadelphia. It receives little news coverage via television, as there are few television broadcast stations in

New Jersey. Since deregulation and the Telecommunications Act of 1996, few New Jersey radio stations provide meaningful local news coverage.

Therefore, the need for a low-power, community-oriented FM broadcast service far outweighs the need for IBOC digital radio broadcasting.

6. Power Levels and Classes of LPFM Stations

In MM Docket 99-25, the Commission proposes several classes of LPFM stations, including an “LP 100” class with a maximum ERP of 100 watts and an “LP 1000” class with a maximum ERP of 1,000 watts. I would like to suggest that the maximum power for LPFM stations be held at 100 watts ERP. The existing Class A permits a minimum power of 100 watts ERP and a maximum power of 6,000 watts ERP at an antenna HAAT of 100 meters. In order to assure maximum availability of frequencies for LPFM use, the “LP 1000” class should be eliminated. Applicants desiring 1,000 watts or higher ERP should look into applying for a Class A facility. In the reserved noncommercial segment of the FM broadcast band (88-92 MHz, Channels 201-220), the Commission already classifies stations transmitting at 100 watts or higher ERP as Class A stations.

To minimize interference, existing protection ratios for co-channel and first adjacent channel stations shall be maintained, with LPFM stations considered as Class D stations. Since modern FM receivers are more selective than the receivers that existed when the Commission first established the required separation among stations on second and third adjacent channels, the separation requirements for these channels should be relaxed or eliminated.

7. Commercial vs. Noncommercial Operation

In MM Docket 99-25, the Commission asks whether LPFM stations should be reserved solely for noncommercial operation or if commercial operation should be permitted. Certainly, the reserved noncommercial FM channels (201-220) should retain their status even for LPFM stations. However, commercial operation should be permitted on the other FM channels (221-300). Since the consolidation of many existing stations in many markets, small businesses can no longer afford to advertise on radio. A commercial LPFM station can open such an opportunity.

8. Acceptability of Transmitters

In order to minimize interference to other stations and other services, transmitters used at LPFM stations shall be type-accepted according to Part 2 of the Commission's Rules. Frequency tolerance shall be maintained within ± 2000 Hz, as with other classes of FM broadcast stations. Since harmonics of FM broadcast transmitters can interfere with high-band VHF television, the same amount of harmonic suppression required for existing FM broadcast transmitters should be required for LPFM transmitters. Particular attention should also be paid to spurious emissions in the band 108-136 MHz, as this band is critical to aeronautical safety. In general, the same standards that apply to existing FM broadcast transmitters should also apply to LPFM transmitters.

Dated this 29th day of July, 1999

By: Philip E. Galasso
131 Stafford Forge Road
West Creek, NJ 08092-9329
(609) 294-9796
k2pg@bellatlantic.net